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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,142	10/14/1999	RICARDO S. AVILA	RD-26.387	8471

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EXAMINER

BHATNAGAR, ANAND P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/418,142

Applicant(s)

AVILA ET AL.

Examiner

Anand Bhatnagar

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03/12/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-42.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☒ The drawing correction filed on 10/14/99 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

09/18,142

Continuation of 2. NOTE: Examiner has considered applicant's after final amendment but is not persuaded by the arguments made. Applicant argues that the limitation in claim 1, as originally filed, and claims 19 and 35, as proposed to be amended, that the limitation of rock mode would have been obvious to one skilled in the art to be wherein the images are displayed first-to-last and then repeated in descending order last-to-first as described in Cooke, Jr. et al. (U.S. patent 6574629) and this is not disclosed by the prior art of record of Holupka (U.S. patent 6,256,529 B1). Examiner cannot read the definition of rock mode from the specifications into the claim limitations.

"In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "where the images are displayed from first to last and then repeated last to first") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)."

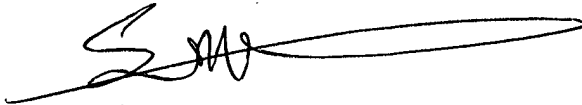
Secondly, applicant does not describe the "rock mode" as it is defined in the prior art of Cooke, Jr. et al. (U.S. patent 6574629). In the specifications of the applicant's instant invention the rock mode is defined as a a rotational angle varies cyclically as the 3D model is rendered from frame to frame (on the bottom of page 11 of the specifications). After reviewing the specifications of applicant's instant invention again, examiner cannot find anywhere in applicant's instant invention where it is mentioned that a rock mode is wherein the images are displayed first to last and repeated in the opposite direction.

Lastly, for argument purposes, if examiner agrees with applicant's representative that the rock mode would have been to one skilled in the art wherein images are displayed first to last then repeated last to first as described by Cooke, Jr. et al. (U.S. patent 6574629) then it also would have been obvious to one skilled in the art that this is a well known and conventional method. Examiner is unsure why this is an argument since conventional and well known methods are not patentable.

Regarding proposed claim 19: Applicant has amended claim 19 to include the limitations of claims 19, 22, 26, and 28 which was not claimed before as a combination as claimed now. More specifically claim 22 incorporates the limitations of claims 19 and 22. Claim 26 incorporates the limitations of claim 19 and 26. Claim 28 incorporates the limitations of claims 19, 26, and 28. Examiner requires a further search to see if proposed claim 19 as combined would be allowable/rejectable.

Regarding proposed claim 35: This claim contains a new limitation of "applying a rotation angle to the model, the rotation angle rocking by varying cyclically as the model is rendered from frame to frame", which requires a further search.

Therefore, for all of the reasons given above, the proposed amendment will not be entered.



SAMIR AHMED  
PRIMARY EXAMINER

AB 3/23/04